

20-6578

No. _____

ORIGIN
Supreme Court, U.S.
FILED

NOV 30 2020

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Bickey White PETITIONER
(Your Name)

the Choctaw County officials vs.
— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U. S. Oklahoma EASTERN District Court
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Bickey White
(Your Name)

OKLAHOMA STATE PENITENTIARY
(Address)

PO Box 99 McALESTER
(City, State, Zip Code)

OKLAHOMA 74502

44-918-423-1700
(Phone Number)

(1) IN WHICH SEVERAL VILLAGERS
(2) DEFGITIVE VILLAGERS ATTITUDE
(3) NO RECENT VILLAGERS FOR FARMABLE CAUSE
(4) LECE WAS NO SUPERVISING ATTITUDE
PRESENTED TO A JUDGE TO SHOW PROSTITUTE CAUSE
IN THIS CASE.

QUESTION(S) PRESENTED

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

(1) - U.S. COURT OF APPEALS, ~~TELE~~ CIRCUIT
(2) - Oklahoma EASTERN DISTRICT COURT
(3) - Hugo Choctaw County Officials
(4) - SOLICITOR GENERAL OF U.S.
DEPARTMENT OF JUSTICE
950 PENNSYLVANIA AVENUE N.W.
Washington, DC 20530

RELATED CASES

1. COUNTY OF RIVERSIDE v. MCLAUGHLIN 500 U.S. 44 (1991)
- (2) - GERSTEIN v. FUGH, 420 U.S. 103 (1975)
- (3) - MIRANDA v. ARIZONA, 384 U.S. 436 (1966)
4. BOMMEDJIENE v. BUSH 553 U.S. 723, 779 (2008)
5. HILL v. U.S. 368 U.S. 424 428 (1962)
6. WONG SUN v. U.S. 371 U.S. 471 (1963)
7. WILSON v. SEITTER 501 U.S. 294 (1991) DELIBERATE
8. TYLER v. PAIN 533 U.S. 656, 664 (2001) INDIFFERENCE
- (9) -

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	9
REASONS FOR GRANTING THE WRIT	10
CONCLUSION.....	11

INDEX TO APPENDICES

APPENDIX A UNITED STATES DISTRICT COURT

APPENDIX B UNITED STATES COURT OF APPEALS

APPENDIX C _____

APPENDIX D _____

APPENDIX E _____

APPENDIX F _____

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
(2.) <u>COUNTY OF RIVERSIDE V. McLAUGHLIN</u> 500	
(2.) <u>COUNTY OF RIVERSIDE V. McLAUGHLIN</u> , 500 U.S. 449 (1991)	
(3.) <u>GERSTEIN V. FUGL</u> 420 U.S. 103 (1975)	
(4.) <u>WONG SUN V. U.S.</u> 371 U.S. 471 (1963)	
(5.) <u>GIORDENEO V. UNITED STATES</u> , 357 U.S. 480, 486 (1958)	
(6.) <u>UNITED STATES V. LONG</u> 142 U.S. 118, 437 F.2d 628, 630 (1971)	
(7.) <u>AGUILAR V. TEXAS</u> 378 U.S. 108, 114 (1964)	
(8.) <u>SPINELLI V. UNITED STATES</u> , 393 U.S. 410 (1969)	
(9.) <u>CAGE V. LOUISIANA</u> 498 U.S. 39 (1990)	
(10.) <u>TYLER V. CAIN</u> 533 U.S. 656, 664 (2001)	
(11.) <u>BIVENS V. SIX UNKNOWN NAMED AGENTS OF FED BUREAU OF NARCOTICS</u> 493 U.S. 388, 396-97 (1991)	
(12.)	

STATUTES AND RULES RULE 3 AND 4 OF THE FEDERAL RULES OF

(1). CRIMINAL PROCEDURE. ARREST WARRANT to Show PROBABLE CAUSE,

(2) THE AFFIDAVIT FAILS to Show PROBABLE CAUSE, the NECESSARY DETAIL to SUPPORT A FINDING OF PROBABLE CAUSE.

(3). TITLE 22 OKLA STATUTE 1981 § 1223.1223.1 - 1224.1 WAS NOT Comply with to GET A WARRANT.
TITLE 22 WAS violated.

(4).

OTHER

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

[] reported at 36 F.3d 160; or,
[] has been designated for publication but is not yet reported; or,
~~[]~~ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
~~[]~~ is unpublished.

[] For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix C to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
~~[]~~ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
~~[]~~ is unpublished.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was November 18, 2020

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: 1/10, and a copy of the order denying rehearing appears at Appendix NA.

An extension of time to file the petition for a writ of certiorari was granted to and including NA (date) on NA (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was August. A copy of that decision appears at Appendix _____.

A timely petition for rehearing was thereafter denied on the following date: NA, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including NA (date) on NA (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

SEE CAGE V. LOUISIANA 498 U.S. 39 (1990)

SEE TEAGUE V. LANE 489 U.S. 288 (1989)

SEE TYLER V. CAIN 533 U.S. 656, 664 (2001)

THERE WAS NO PROBABLE CAUSE PROVE BY THE STATE COURTS THE PETITION FOURTH AND FOURTEENTH AMENDMENT WAS DEPRIVED OF HIS CONSTITUTIONAL RIGHTS, THE STATE COURT VIOLATION U.S.C.A CONST. AMEND 4, CONST ART. 2 § 30 OF THE OKLAHOMA CONSTITUTION AND THE 4TH AMENDMENT OF THE UNITED STATES CONSTITUTION.

THE PETITIONER IS IN CUSTODY IN VIOLATION OF THE CONSTITUTION OR LAW OR TREATIES OF THE UNITED STATES.

→ SEE BOURGEOISIE V. BUSH, 553 U.S. 723, 779 (2008)

STATEMENT OF THE CASE

THE TRIAL COURT RELIED UPON A DETECTIVE WARRANT AFFIDAVIT UPON HEARSAY INFORMATION TO FIND PROBABLE CAUSE TO ARREST THE PETITIONER. THE DETECTIVE WARRANT AFFIDAVIT MUST NOT STAND IN THIS COURT, BECAUSE THE OFFICER TAKING THE AFFIDAVIT HAS FAIL TO TAKE A ACTUAL ADMINISTERED FORMULA IS REQUIRED AS TO AN OFFICER TAKING AN OATH VERIFY A COMPLAINT FOR A SEARCH WARRANT TO SHOW PROBABLE CAUSE.

→ THERE WAS NO SUPPORTING AFFIDAVIT PRESENTED TO THE JUDGE TO FIND PROBABLE CAUSE IN THIS CASE.

ALSO THE OFFICER K.P. KASH AND THE MAGISTRATE JUDGE BOTH OF THEM FAILED TO SIGN THEIR NAMES TO THE JURAT AND ATTACHED IT TO THE AFFIDAVIT TO SHOW PROOF THAT OFFICER TOOK THE OATH AND SHOW PROBABLE CAUSE. THIS WAS NOT DONE THIS CASE, THERE IS AN INVALID SEARCH WARRANT.

REASONS FOR GRANTING THE PETITION

1.

THE DISTRICT COURT REFUSED TO ACCEPT THE FOURTH AMENDMENTS WHEN THERE WAS CONSTITUTIONAL VIOLATION TO SHOW WHEN THERE WAS NO PROBABLE CAUSE. HEARING THE CHICAGO COUNTY HAS FAILED TO BRING THE PETITION BEFORE A NEUTRAL MAGISTRATE TO HOLD A PROBABLE HEARING THAT IS REQUIREMENT BY THE 4TH AMENDMENT. THE HANDWRITTEN AFFIDAVIT WAS DETECTIVE AND DID NOT SHOW PROBABLE CAUSE AND THE WARRANT AFFIDAVIT HAS FAILED SHOW IMPORTANT NECESSARY DETAIL TO SUPPORT A FINDING OF PROBABLE CAUSE TO ARREST THE PETITIONER.

2.

THEREFORE THE PETITIONER HE WAS VIOLATED BY THE U. S. COURT OF APPEALS Panel FOR NOT ACCEPTING TO HEARING ON THE ORAL ARGUMENT TO DETERMINATION OF THE PROBABLE CAUSE did NOT EXISTED. THIS WAS VERY IMPORTANT, THAT THE U. S. COURT OF APPEALS TO VIEW OF THE MERITS AND LISTEN TO THE ORAL ARGUMENT OF this CASE TO SHOW THAT THE PETITION 4TH AMENDMENT WAS VIOLATED WHEN THERE WAS NO PROBABLE CAUSE HEARING in 48 HOURS. IT IS SET OUT IN GESTIN V. DUGL, 420 U.S. 103 (1975) THE DISTRICT COURT HAS ERROR BY FAILING TO DETERMINE THE ~~FOURTH~~ FOURTH AMENDMENT TO SATISFY AEDPA AND TO ALLOWED ORAL ARGUMENT TO PROVE PROBABLE CAUSE did NOT EXISTED in this CASE. SEE FED.R. CRIM.P.4(A)
SEE U.S. CONST AMEND. IV, SEE FED. R. CRIM.P.4(1)(E)(2)

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Mr. Rickey White #
127615

Date: NOVEMBER 30, 2020